

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS W. McCUNE,)	
)	
Plaintiff,)	Case No. 1:24 -cv-9
v.)	
)	
DEPARTMENT OF CORRECTIONS,)	
<i>et al.</i>)	
)	
Defendants.)	

MEMORANDUM ORDER

In this *pro se* civil action, Plaintiff Thomas W. McCune has sued the Pennsylvania Department of Corrections (“DOC”), Dr. Laurel Harry, the Secretary of the DOC, and eight DOC employees for alleged violation of his federal civil rights while he was in the custody of the DOC. ECF Nos. 1 and 9. The case has been referred to Chief United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.


On June 11, 2025, Judge Lanzillo issued a report and recommendation (“R&R”) in which he opined that the complaint should be dismissed based on McCune’s failure to prosecute this case. ECF No. [21]. After considering the various factors set forth in *Poullis v. State Farm Fire & Casualty Company*, 747 F.2d 863 (3d Cir. 1984), Judge Lanzillo concluded that, on balance, the relevant factors weighed in favor of dismissal as a punitive sanction.

Objections to the R&R were due on or before June 30, 2025. To date, no objections have been received.

Accordingly, after *de novo* review of the Complaint and documents in the case, including the Chief Magistrate Judge’s Report and Recommendation, ECF No. [21],

IT IS ORDERED, this 14th day of July, 2025, that pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the claims asserted by Plaintiff Thomas W. McCune shall be, and hereby are, DISMISSED without prejudice, based on Plaintiff's failure to prosecute this case.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief United States Magistrate Judge Lanzillo, issued on June 11, 2025, ECF No. [21], is adopted as the Opinion of this Court.


Susan Paradise Baxter
United States District Judge